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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,011	06/15/2000	Tooru Kamibayashi	04329.2320	9094

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EXAMINER

GYORFI, THOMAS A

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/594,011	Applicant(s) KAMIBAYASHI ET AL.	
	Examiner Tom Gyorfi	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-10 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-10, and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-3, 6-10, and 13-20 are pending examination. The correspondence filed 9/14/04 did not amend, add, or cancel any claims.

Response to Arguments

2. Applicant's arguments filed 9/14/04 have been fully considered but they are not persuasive.

Applicant argues, "*Claims 1 and 2 are patentably distinguishable over the cited art in that they each recite, for example, 'the controller sends a key needed for a content exchange to the electronic device.'* Furthermore, *Claims 8 and 9 are patentably distinguishable over the cited art in that they each recite, for example, 'sending a key needed for a content exchange to the electronic device.'* Instead, Traw at least does not disclose any of the aforementioned recitations." Examiner disagrees with this contention. First, the devices disclosed in Traw contain microcontrollers (col. 4, lines 10-15). Examiner contends that these microcontrollers must inherently function as an equivalent to the controllers recited in Applicant's claims. Second, the key that was cited in Traw is clearly sent to an electronic device in order to establish a secure channel for the exchange of protected content (see also Figure 2).

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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3. Claims 1-3, 6, 8-10, 13 and 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Traw et al (U.S. Patent 5,949,877).

Referring to Claims 1, 2 and 9:

Traw discloses a storage medium comprising:

a specified storage area on which revocation information is registered, the revocation information being used to determine whether or not use of the storage medium by an electronic device is to be revoked (col 6, lines 45-55); and

a controller which determines whether or not use of the storage medium by an electronic device which attempts to access to the storage medium is to be revoked (col 3, lines 40-45), based on the revocation information registered on the specified storage area and information sent from the electronic device (col 3, lines 30-45; col 6, lines 45-60), wherein the controller sends a key needed for a content exchange to the electronic device when the controller does not determine that use of the storage medium by the electronic device is to be revoked (col 8, lines 30-55), and wherein a content which is encrypted using the key is written on a predetermined storage area of the storage medium by the electronic device (col 8, lines 40-55).

Referring to Claim 8:

Traw disclose a contents protection method comprising the steps of:
providing a specified storage area on storage medium and registering revocation information on the specified storage area, the revocation information being used to

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determine whether or not use of the storage medium by an electronic device is to be revoked (col 6, lines 45-55);

determining whether or not use of the storage medium by an electronic device which attempts to access to the storage medium is to be revoked (col 3, lines 40-45), based on the revocation information registered on the specified storage area and information sent from the electronic device (col 3, lines 30-45; col 6, lines 45-60); sending a key needed for a content exchange to the electronic device when it is not determined that use of the storage medium by the electronic device is to be revoked (col 8, lines 30-55); and

writing a content which is encrypted using the key on a predetermined storage area of the storage medium by the electronic device (col 8, lines 20-50).

Referring to Claims 3, 10, 15 and 18:

Traw discloses the limitation of Claims 1, 2, 8 and 9 above. Traw further discloses the controller determines that use of the storage medium by the electronic device should be revoked, a subsequent process is halted (col 8, lines 10-15).

Referring to Claims 6, 13, 16 and 19:

Traw discloses the limitation of Claims 1, 2, 8 and 9 above. Traw further discloses the specified storage area is a storage area provided on a read-only non-volatile memory (col 12, lines 15-25).

Claim Rejections - 35 USC § 103

4. Claims 7, 14, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Traw as applied to claims 1, 2, 8, and 9; and further in view of Glover (U.S. Patent 6,185, 686).

Referring to Claims 7, 14, 17 and 20:

Traw discloses the limitation of Claims 1, 2, 8 and 9 above. Traw does not explicitly disclose “the specified storage area is a storage area which is provided on a rewritable read-only non-volatile memory and can be accessed only by a secret specific procedure.”

Glover discloses the specified storage area is a storage area which is provided on a rewritable read-only non-volatile memory and can be accessed only by a secret specific procedure (col 4, lines 10-30; col 11, lines 35-60).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify teachings of Traw such that the storage medium is accessed by a secret procedure. One of ordinary skill in the art would have been motivated to do this because it would provide a mechanism to protect the encryption keys and information (col 4, lines 15-30; col 9, lines 5-35).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

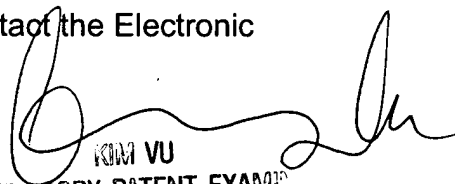
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:00am - 4:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TAG - 2/7/05


KIM VU
ASSISTANT PATENT EXAMINER
TECHNOLOGY CENTER 2